

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

tmd3574/mrm
August 9, 2018
09:30 AM

=====X
IN RE:

Case No. 818-73594-LAS

JUDY ANNE MONTANA,

Hon. LOUIS A. SCARCELLA

NOTICE OF MOTION

Debtor.
=====X

PLEASE TAKE NOTICE, that upon the within application, Marianne DeRosa, Chapter 13 Trustee will move this court before the Hon. Louis A. Scarcella, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at 290 Federal Plaza, Room 763, Central Islip, New York, 11722, on August 9, 2018 at 09:30 AM or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Marianne DeRosa, Esq., no later than seven (7) business days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Jericho, New York
July 20, 2018

/s/ Marianne DeRosa
MARIANNE DeROSA, TRUSTEE
125 JERICHO TURNPIKE; STE 105
JERICHO, NY 11753
(516) 622-1340

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IN RE:

Case No: 818-73594-LAS

JUDY ANNE MONTANA,

Hon. LOUIS A. SCARCELLA

APPLICATION

Debtor.

=====X

TO THE HONORABLE LOUIS A. SCARCELLA U.S. BANKRUPTCY JUDGE:

MARIANNE DEROSA, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on May 29, 2018, and, thereafter, MARIANNE DEROSA was duly appointed and qualified as Trustee.

2. As of the date of this application, the Debtor has failed to:

a. comply with 11 U.S.C § 1325(a)(6) in that the Debtor has failed to submit timely Chapter 13 Plan payments to the Trustee; and

b. provide the Trustee with a copy of a federal income tax return or transcript for the most recent year, 7 days before first meeting of creditors pursuant to 11 U.S.C. §521(e)(2)(A)(i).

3. The Debtor's failure to provide these items impedes the Trustee's ability to administer this case and, therefore, is a default that is prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).

4. Each of the foregoing constitutes cause to dismiss this Chapter 13 case within meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Dated: Jericho, New York
July 20, 2018

s/Marianne DeRosa
Marianne DeRosa
Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

JUDY ANNE MONTANA,

CERTIFICATE OF SERVICE
BY MAIL

Debtor.

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This is to certify that I, Matthew R. Matz, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

JUDY ANNE MONTANA
1030 FRANKLIN AVENUE, APT 14
VALLEY STREAM, NY 11580

RICHARD L STERN, PC
ATTN: PETER COREY, ESQ.
2950 EXPRESS DR SOUTH, STE 109
ISLANDIA, NY 11749-0000

WELLS FARGO BANK, N.A.
C/O WOODS OVIATT GILMAN LLP
700 CROSSROADS BUILDING
2 STATE STREET
ROCHESTER, NY 14614

This July 20, 2018

/s/Matthew R. Matz
Matthew R. Matz, Paralegal
Office of the Standing Chapter 13 Trustee
Marianne DeRosa, Esq.
125 Jericho Turnpike; Suite 105
Jericho, NY 11753
(516) 622-1340

CASE NO: 818-73594-LAS
Hon. LOUIS A. SCARCELLA

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

JUDY ANNE MONTANA,

Debtor.

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NOTICE OF MOTION AND APPLICATION TO DISMISS CASE

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MARIANNE DeROSA, TRUSTEE
125 JERICO TURNPIKE; SUITE 105
JERICO, NY 11753
(516) 622-1340